

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: EFFEXOR (VENLAFAXINE
HYDROCHLORIDE) PRODUCTS
LIABILITY LITIGATION** : **MDL NO. 2458**

: **13-MD-2458**

:

THIS DOCUMENT RELATES TO: : **HON. CYNTHIA M. RUFFE**

ALL ACTIONS

**APPLICATION OF BRYAN F. AYLSTOCK
FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

Bryan F. Aylstock, pursuant to Case Management Order No. 1, respectfully files this application for membership to the Plaintiffs' Steering Committee (PSC) in the above-referenced litigation. Mr. Aylstock is willing and able to serve as a member of the PSC in whatever capacity this Court deems advisable. As he has demonstrated throughout his career, Mr. Aylstock has the ability to work cooperatively with all parties, and has the requisite professional experience and skill to assist in the orderly advancement of this litigation.

This litigation is not new to Mr. Aylstock or to the members of his law firm. His firm has actively litigated SSRI cases for several years and has resolved a number of them. Mr. Aylstock is counsel of record in the Effexor case of *Beaver v. Wyeth Pharmaceuticals, Inc., et al.*, No. 2:13-cv-02220 (E.D. Pa.). His firm continues to represent other minors injured by SSRI drugs, including Zoloft, Topamax, Paxil and Prozac, so he is intimately familiar with the injuries and claims involved.

Mr. Aylstock understands the importance of cooperating with his colleagues, both from the plaintiff and defense bars. Much of his success is a direct result of his ability to negotiate and to cooperate with others. For example, he had the honor of serving as co-lead counsel in *In re:*

Avandia Marketing Sales Practices and Products Litigation, MDL 1871, overseen by the Honorable Cynthia M. Rufe. In that capacity, he organized the Avandia PSC and also served as co-chair of the discovery committee and the administrative committee. He also personally conducted many of the key Avandia depositions, including corporate representatives for marketing and the head of regulatory affairs. He also handled nearly all of the oral and written arguments relating to various discovery issues that arose before the late Special Master Jerome Shestack. Mr. Aylstock was able to work cordially and cooperatively with all counsel involved, including with his counterparts on the defense side of the case, which ultimately lead to the resolution of approximately 60,000 Avandia cases through the MDL process. Judge Rufe subsequently appointed Mr. Aylstock to the Court's Advisory Committee and to the Avandia Fee Committee for the purpose of assisting the Court in the successful conclusion of the Avandia MDL, and he continues to serve in that capacity today.

Mr. Aylstock currently serves on the PSC as Multi-District Coordinator in *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL 2342, which is pending before this Court. He also serves as one of three Coordinating Co-Lead Counsel in *In re: C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2325, pending before the Honorable Joseph R. Goodwin in the Southern District of West Virginia.

Mr. Aylstock earned a Bachelor of Arts, *magna cum laude*, from the University of North Florida in 1992 and graduated number one in his law school section at the University of Florida in 1995. Following law school, he worked in the Honors Program at the United States Department of Justice in Washington, D.C., and then served as a judicial clerk for the Honorable Roger Vinson, former Chief Judge for the United States District Court, Northern District of Florida.

Mr. Aylstock founded his firm in 2001, which is now comprised of 15 attorneys and over 70 staff members who have directly handled the claims of over 10,000 clients over the past 12 years. Mr. Aylstock is presently licensed to practice before all state and federal courts in Florida, Mississippi and Alabama, the United States Supreme Court, and numerous other courts.

The vast majority of Mr. Aylstock's legal career has been focused on the representation of individuals injured as a result of defective pharmaceutical drugs and medical devices. He has published articles in his field and is regularly invited to speak at attorney education conferences on issues related to the handling of pharmaceutical and medical device cases, electronic discovery in complex cases, and other mass tort issues. Mr. Aylstock was appointed to serve on The Florida Bar's Committee on Professionalism beginning July 1, 2013.

Because of Mr. Aylstock's experience in complex litigation, including serving as co-lead counsel in two major MDLs, he possesses the knowledge, administrative and organizational skills that will be useful to the PSC in this consolidated litigation.

Date: September 30, 2013.

Respectfully Submitted,

/s/Bryan F. Aylstock
Bryan F. Aylstock, Esq.
Aylstock, Witkin, Kreis & Overholtz, PLLC
Florida Bar No.: 78263
17 East Main Street, Suite 200
Pensacola, Florida 32502
Telephone: 850.202.1010
Facsimile: 850.916.7449
baylstock@awkolaw.com

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/Bryan F. Aylstock
Bryan F. Aylstock, Esq.